



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1640  
Ser 84/141  
22 Aug 01

From: Commander, Navy Personnel Command  
To: Distribution

Subj: POLICY ON INCOMING NEWSPAPERS, PUBLICATIONS, PERIODICALS,  
AND OTHER MAILED MATTER

Ref: (a) SECNAVINST 1640.9B

Encl: (1) Sample Rejection Letter

1. Purpose. To direct establishment of a Literary Review Board at Navy confinement facilities, and to prescribe guidance for authorization, receipt, and retention of newspapers, publications, and periodicals for detainees and prisoners confined within Navy confinement facilities. Hereafter, the term "prisoner" denotes both pretrial and post-trial personnel.

2. Definitions

a. Publication as used in this policy is defined as a book, booklet, pamphlet, or similar printed document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific prisoner such as advertising brochures, flyers, and catalogs. This definition does not include publications in multi-media format such as audio tape or video tape. The facility bears no responsibility to provide a means to review such multi-media formats.

b. Commercially Published Information or Material means any book, pamphlet, magazine, periodical, newsletter, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is distributed or made available through any means or media for a commercial purpose. This definition includes any portion extracted, photocopied, or clipped from such items

c. Nudity refers to any pictorial depiction where genitalia or female breasts are exposed.

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d. Features indicate the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition. The following are examples of commercial publications which, based on current practices of the publisher, may be distributed to prisoners even though they may contain nudity because the publication does not feature nudity as defined above: National Geographic; Our Body, Our Selves; Sports Illustrated (Swimsuit Issue); and Victoria's Secret Catalog.

Any publication may change a single issue or its general policies and practices at any time that would allow it to become acceptable or non-acceptable for distribution. The above examples are guidelines only and are subject to change.

e. Sexually explicit means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.

3. Policy. A Literary Review Board will be established at each Navy confinement facility. Given the guidance provided in this policy letter, the Literary Review Board is responsible to review publications to determine if an incoming publication is detrimental to the security, discipline, or good order of the confinement facility, or if the publication might facilitate criminal activity. Commercial publications that are sexually explicit or feature nudity are likely to have a detrimental effect on rehabilitation. Because rehabilitation is a legitimate correctional interest, such publications will be excluded. Per reference (a), prisoners with a sentence of 6 months or longer, with prior approval of the Commanding Officer/Officer-in-Charge/Chief Petty Officer-in-Charge (CO/OIC/CPOIC), may subscribe to and retain publications as specified below:

a. Prisoners may receive hardcover publications and newspapers only from the publisher, a book club, or from a bookstore. All publications received from any source must be approved by the CO/OIC/CPOIC and carefully screened to avoid the introduction of contraband. Prisoners may receive other softcover material (for example, paperback books, newspaper clippings, or magazines), written or multi-media materials from

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any source. Only the CO/OIC/CPOIC, or in their absence the acting CO/OIC/CPOIC, may disapprove an incoming publication.

b. The CO/OIC/CPOIC may disapprove a publication only if it is determined to be detrimental to the security, good order, or discipline of the confinement facility, or if it might facilitate criminal activity. As rehabilitation is a legitimate correctional interest, commercial publications that are sexually explicit or feature nudity will be excluded. Inability to view multi-media publications may be cause for requiring the prisoner to destroy, properly store, or mail-out the publication. The CO/OIC/CPOIC may not disapprove a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications which may be disapproved by the CO/OIC/CPOIC include but are not limited to publications which meet any of the following criteria:

- (1) Violates postal regulations;
- (2) Depicts, or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
- (3) Depicts, encourages, or describes methods of escape from confinement facilities, or contains blueprints, drawings or similar descriptions of confinement facilities;
- (4) Depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs;
- (5) Contains or is written in code;
- (6) Depicts, describes or encourages activities which may lead to the use of physical violence or group disruption;
- (7) Advocates racial, religious, or national hatred in such a way as to encourage violence in the facility;
- (8) Encourages or instructs in the commission of criminal activity; or
- (9) Is sexually explicit material, which by its nature or content poses a threat to the security, good order, or discipline of the facility, or facilitates criminal activity.

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(a) Sexually explicit material of the following types may be disapproved, as potentially detrimental to the security and good order or discipline of the facility, or as facilitating criminal activity:

1 Sado-masochistic

2 Bestiality

3 Involving children (children under age of 16)

(b) Child-model materials prohibited by law will be disapproved.

(c) Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues, or covering the activities of gay rights organizations or gay religious groups, for example, should be admitted.

(d) Literary publications should not be excluded solely because of homosexual themes or reference unless the material includes sexually explicit material, which by its nature or content poses a threat to the security, good order, or discipline of the facility or facilitates criminal activity.

(e) Sexually explicit material may nonetheless be admitted if it has scholarly value, or general social or literary value.

c. The CO/OIC/CPOIC will not establish an approved or disapproved list of publications and will review each issue of a publication prior to disapproval of that issue. Disapproval of several issues of a subscription publication is not sufficient reason to disapprove the subscription publication in its entirety. It is recommended that a prisoner who wishes to order a publication first speak with a designated staff member to ascertain whether individual issues of the publication are likely to be approved. This discussion is not required, but it may avoid disappointment and administrative problems when a publication is later determined to be unacceptable.

d. Where a publication is found unacceptable, the CO/OIC/CPOIC will promptly notify the prisoner in writing of the decision and the reasons for it. The notice must contain

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reference to the specific article(s) or material(s) considered objectionable.

(1) The CO/OIC/CPOIC will permit the prisoner an opportunity to review the material for purposes of filing an appeal. This review is permitted unless such a review may provide the prisoner with information of a nature that is deemed to pose a threat or detriment to the security, good order or discipline of the facility or to encourage or instruct in criminal activity.

(2) The disapproval notice will advise the prisoner of the appeal process. The prisoner may obtain an independent review of the disapproved publication by submitting a written request within 20 days to Commander, Navy Personnel Command (PERS-84), via the chain of command. Disapproved publications will be retained and safeguarded for not less than 20 days from the initial disapproval date and throughout the appeal process.

(3) If the prisoner does not submit an appeal within 20 days, the publication will be returned to the publisher or sender.

(4) If an appeal is made, PERS-84 will first review either the disapproved publication or a copy of the offensive portion before acting on the appeal.

(5) PERS-84 will provide a written decision to the prisoner and the CO/OIC/CPOIC within 30 days of receipt of the appeal.

(6) Notification of disapproval of a publication and the reason for disapproval will be made to the prisoner using a letter similar to enclosure (1).

(7) The CO/OIC/CPOIC will forward the publisher or sender of an unacceptable publication a rejection letter similar to enclosure (1). The CO/OIC/CPOIC will advise the publisher or sender they may obtain an independent review of decision for disapproving the publication by submitting a written request to Commander, Navy Personnel Command (PERS-84) within 20 days of receipt of the rejection letter. The CO/OIC/CPOIC will return the disapproved publication to the publisher or sender unless the publisher or sender indicates intent to file an appeal under the appeal process. In which case the CO/OIC/CPOIC will retain the disapproved material at the facility for review. If the

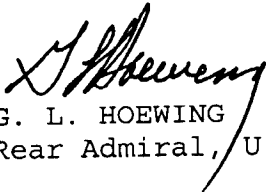
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rejection is sustained, the rejected publication will be returned to the publisher or sender when appeal or legal use is complete.

e. The CO/OIC/CPOIC may limit (for fire, sanitation or housekeeping reasons) the number or volume of publications a prisoner may receive or retain in his/her quarters.

4. Implementation. This policy will be implemented within 60 days of signature date. An implementation period is provided to allow for training, board member selection, and administrative changes to local policy and procedures. Further, the above policies and guidelines will be reflected in the next change to reference (a). As an interim measure, a file copy of this letter will be retained with reference (a).

5. Point of contact is Mr. Tim Purcell, P841, DSN 882-4689 or (901) 874-4689.

  
G. L. HOEWING  
Rear Admiral, U.S. Navy

Distribution:  
CINCLANTFLT N16  
CINCPACFLT N4683  
All Brigs/PCFs

SAMPLE REJECTION LETTER

NOTIFICATION TO PRISONER AND PUBLISHER/SENDER OF REJECTED  
PUBLICATION (TO BE USED WHEN REJECTING A PUBLICATION UNDER  
PARAGRAPH 3D(7) OF THIS POLICY LETTER)

LETTERHEAD

1640  
Ser

From: Commanding Officer \_\_\_\_\_

To: \_\_\_\_\_  
Prisoner's Name/SSN

Subj: REJECTION OF THE   (date)   ISSUE OF   Name of Publication  

Ref: (a) COMNAVPERSCOM ltr 1640 Ser 84/      of

1. Per reference (a), the subject publication/material from  
(publisher/sender name) has been rejected, which provides in  
part:

"The (Commanding Officer/Officer-in-Charge/Chief Petty  
Officer-in-Charge) may disapprove a publication if it is  
determined detrimental to the security, good order or discipline  
of the facility or if it may facilitate criminal activity."

2. The subject publication has been rejected because (provide  
reference to the specific article(s) or material(s) considered  
objectionable and the reason(s) for the decision to reject).

3. By copy of this letter, the publisher/sender is notified  
that they may obtain an independent review of this rejection by  
writing to Commander, Navy Personnel Command (PERS-84) 5720  
Integrity Drive, Millington, TN 38055-8400 within 20 days of  
receipt of a copy of this letter.

\_\_\_\_\_  
CO/OIC/CPOINC

Copy to:  
(Publisher's/Sender's name and address)  
PERS-84

Enclosure (1)